



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,122	05/15/2001	Steven Bruce Katz	021756-050600US	1464
20350	7590	07/22/2009	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			CHONG CRUZ, NADJA N	
TWO EMBARCADERO CENTER				
EIGHTH FLOOR			ART UNIT	PAPER NUMBER
SAN FRANCISCO, CA 94111-3834			3623	
			MAIL DATE	DELIVERY MODE
			07/22/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Responsive**

1. The amendment filed on 13 April 2009 amending (in effect canceling) all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the newly amended independent claim is directed toward an invention which is distinct from the invention originally claimed for the following reasons: the currently amended independent claim is directed towards a method for analyzing internal data from internal data sources and external data from external data sources respectively in order to determine criticality ratings, forecast prices and optimal inventory levels based on user-defined parameters. Whereas the previously examined independent claim was direct toward a method for analyzing internal and external data from a plurality of data sources internal and external to the enterprise, identify conditions, alert a user and to recommend one or more proposed actions. The currently amended claims and the previously examined claims appear to be subcombinations usable together support for this analysis can be found in figure 4 (previously examined) and figure 5 (current amendments) and paragraphs 0035, 0084 and 0175-0176 "[i]t should be understood that, in accordance with the various alternative embodiments of the present invention, various modules 1-N 106 and combinations of modules 1-N 106 may be implemented and used in a manner to provide a desirable set of tools for the particular user and particular problem/task" and "[t]hus, in an exemplary embodiment procurement 108 may include data discovery module, data alert module, strategic component identification module, and price forecasting module." Therefore as currently amended Applicant has constructively canceled the previous examined claimed invention and has shifted the scope of the claimed invention.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid

abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nadja Chong** whose telephone number is **571.270.3939**. The Examiner can normally be reached on Monday-Friday, 9:00am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **BETH BOSWELL** can be reached at **571.272.6737**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

*Commissioner of Patents*

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

/Nadja Chong/Examiner, Art Unit 3623

/Beth V. Boswell/

Application/Control Number: 09/858,122  
Art Unit: 3623

Page 4

Supervisory Patent Examiner, Art Unit 3623